

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL INSURANCE COMPANY, as subrogee of  
TRANSAMMONIA, INC., as Charterer, under an  
ASBATANKVOY Charter Party, dated June 12, 2003

Petitioner,

v.

Docket No. 12 CV 3851

BERGESEN D.Y. ASA, OSLO, AS AGENTS OF THE  
NORWEGIAN FLAG LPG/C "HUGO N" AND ITS  
OWNER GAS CARRIER CORPORATION, LIMITED,

Judge Engelmayer

Respondents.

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GENERAL GAS CARRIER CORPORATION, LIMITED

Cross-Petitioner,

v.

FEDERAL INSURANCE COMPANY,

Cross-Respondent.

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**DECLARATION IN SUPPORT OF MOTION TO STRIKE  
THE REPLY OF GENERAL GAS CARRIER CORPORATION, LIMITED**

I, MICHAEL C. O'NEILL, am a partner with the law firm of Hodgson Russ LLP,  
and represent Petitioner Federal Insurance Company in connection with this matter. As such, I  
am familiar with all of the facts and circumstances surrounding this case, and this motion.

1. This declaration is made in support of Petitioner's Motion to Strike the  
Reply of General Gas to Federal Insurance Company's Opposition to the Cross-Petition to  
Vacate Award.

2. This motion is made on the basis that the reply brief submitted by General Gas fails to conform with this Court's rules and specifically, Rule 3.B. of this Court's Individual Rules And Practices in Civil Cases.

3. On Friday, July 27, 2012, the last day upon which to file its reply, General Gas filed a 17 page reply brief in this matter.

4. I contacted counsel for General Gas immediately to object, and advised counsel of the Court's Rule 3.B, limiting reply briefs to 10 pages, and requested that General Gas refile it to conform with that rule.

5. A confirming letter to that effect was sent, which is attached as Exhibit A.

6. However, on Monday, July 30, 2012, General Gas re-filed its brief, but simply removed 7 pages from the body of the argument, and re-attached those pages as an exhibit. See General Gas's Reply Brief, attached as Exhibit B.

7. Obviously, General Gas is attempting to make an end run around this Court's rules, rather than complying therewith, or requesting leave of the Court to exceed the page limitation.

8. This flouting of the rules occurred even after counsel was advised of the existence of the rule, and cited specifically thereto.

**WHEREFORE**, Petitioner/Cross-Respondent, Federal Insurance Company, requests that this Court Strike the Reply of General Gas, deny the Cross-Petition, and enter judgment in favor of Federal, converting the arbitration award to a judgment, as requested in Federal's Petition.

Dated: July 31, 2012

**HODGSON RUSS LLP**

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